

REQUEST FOR QUALIFICATIONS

FOR THE

**Energy Commission American Recovery and Reinvestment Act:
Measurement, Verification, Evaluation, and Reporting**



RFQ #600-09-601

www.energy.ca.gov/contracts

**State of California
California Energy Commission**

December 2009

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- 3.1 Disabled Veteran Business Enterprise Certification Application Instructions
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- 3.3 DVBE Std 843
- 3.4 Bidder Declaration form GSPD-05-105
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- 10 NEPA Compliance Certification Form
- 11 ARRA DBA Prevailing Wage Questions and Answers
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- 13 ARRA Solicitation Financial Management Information Form
- 14 CEQA Compliance Form
- 15 CAAT Sub Recipient Reporting (Informational Only)
- 16 Single Audit Act Compliance

I. INTRODUCTION

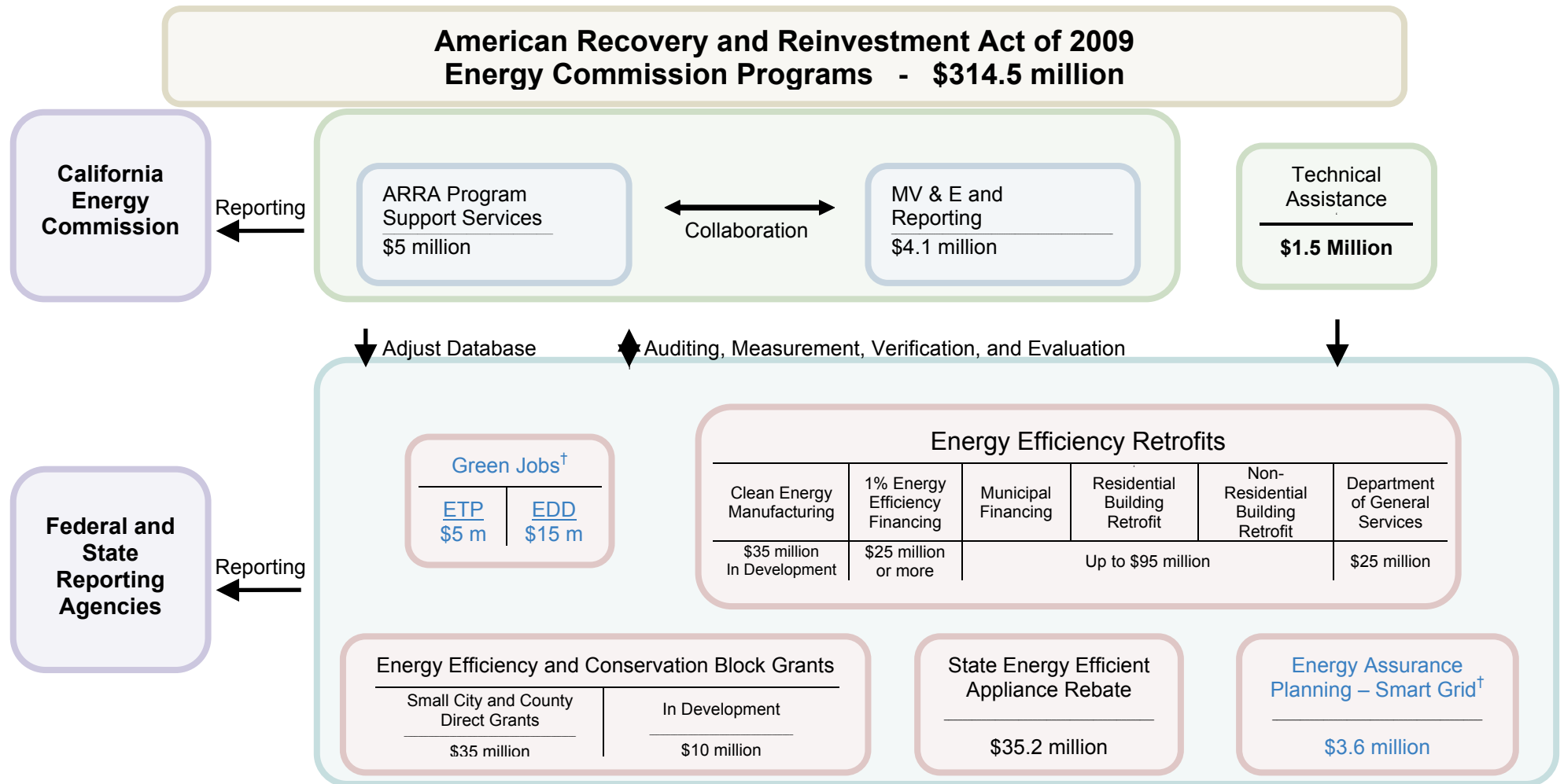
Background Summary

The American Recovery and Reinvestment Act (ARRA) of 2009 was enacted by Congress to preserve and create jobs and promote economic recovery, to assist those most impacted by the recession, to provide investments needed to increase economic efficiency by spurring technological advances, and to make investments that will have long-term economic benefits.

There are four ARRA funded programs totaling \$314,300,000 for which the Energy Commission is responsible: the Energy Efficiency Conservation Block Grant Program (EECBG) (\$49.6 million); the State Energy Program (SEP) (\$226 million), the State Energy Efficient Appliance Rebate Program (Energy Star) (\$35.2 million), and the Enhanced Energy Assurance and Smart Grid Program (Energy Security) (\$3.5 million). Funding awards in the various program areas will be through grants, loans and competitively bid solicitations resulting in contracts. The term “ARRA award recipients” will be used to refer to the recipients of awards under the ARRA funded programs administered by the Energy Commission.

Each of the programs has their own specific time critical deadlines. The Department of Energy (DOE) awarded the EECBG funds on September 15, 2009, and the Energy Commission has 180 day to approve and award the EECBG program funds to the local jurisdictions for energy efficiency projects and products or lose the funds. The EECBG applications from the small cities and counties are due to the Energy Commission for evaluation and approval in January 2010. The Energy Commission anticipates that approximately 300 awards will be issued to the local jurisdictions and other public and private entities throughout the state. The SEP competitive solicitation for \$95 million for energy efficiency retrofit programs was released in October 2009; proposals are due in December 2009; and will be evaluated with awards made in January 2010. The Energy Commission is also using SEP funds for loans to public agencies and is tentatively developing a loan or grant program for industrial and biomethane production incentives. The State Energy Efficient Appliance Rebate Program will be implemented in March/April 2010. The Energy Commission anticipates that the Enhanced Energy Assurance and Smart Grid Program will be implemented in the early part of 2010. Figure 1 shows the various programs and the funding allocations. For more information please refer the Energy Commission’s website at <http://www.energy.ca.gov/recovery/>.

I. Introduction, continued



[†] May be subject to less stringent MV & E than the other programs

All funding recipients are required to file reports of activities using the Energy Commission Database. The reports will be approved by the Energy Commission program managers and reported to Federal and State entities. The Measurement, Verification, and Evaluation contractor will audit a sample of funding recipients, verify the performance of the programs, modify the database (if needed), and report to the Energy Commission. The MV & E contractor and the ARRA program support contractor will share information and coordinate activities.

I. Introduction, continued

Purpose of this RFQ

The purpose of this Request for Qualifications (RFQ) is to select a team of engineers, either as a single Contractor or a lead Contractor with a team of subcontractors, to provide engineering services to the Energy Commission to cost-effectively plan, design, and perform monitoring and verification of ARRA award recipients efforts. In addition, the Contractor shall provide engineering services to support assessing the impacts of the Energy Commission's ARRA funded programs. The resultant contract is sometimes referred to as the monitoring, verification, evaluation and reporting (MV&E) contract.

The Energy Commission is seeking one prime Contractor representing a team of companies. A single firm, and not a group of representatives from different companies, must submit a Statement of Qualifications (SOQ) as the prime Contractor. The prime Contractor will be responsible for all contract administrative duties, directing team members in all contract provisions, and also participating in technical work assignments.

The selected prime Contractor team will be assigned work via specific work authorizations as the need arises. The Energy Commission makes no guarantee that any or all of the funds will be assigned in any given year or that any or all of the selected prime Contractor or any team member will be assigned work. The term "Firm" is used in this RFQ to refer to the company or entity submitting a SOQ.

RFQ Organization

This Request for Qualifications (RFQ) is organized into the following sections:

- Section 1 – Provides a summary and administrative overview.
- Section 2 – Provides an explanation of the work to be performed.
- Section 3 – Provides an explanation of the format, documents, and technical expertise to submit a successful Statement of Qualifications.
- Section 4 – Provides administrative detail, including legal requirements of the RFQ.
- Section 5 – Provides an explanation of the evaluation process

Available Funding

There is a maximum of up to \$4,100,000 available for the contract resulting from this RFQ. This is an hourly rate plus cost reimbursement contract with a ceiling on the total contract amount. Sources of funding include ARRA programs, including SEP, EECBG, Energy Star and Energy Security programs, as well as the state Energy Resources Program Account.

The Energy Commission reserves the right to reduce the amount of the funding to an amount deemed appropriate in the event the budgeted funds do not provide full funding of Energy Commission contracts. In this event, the Contractor and the Energy Commission Contract Manager shall meet and reach agreement on a reduced scope of work commensurate with the level of available funding.

I. Introduction, continued

Funding Limitations

Pursuant to the federal ARRA guidelines, ARRA SEP and EECBG funding may not be used to fund projects for gambling establishments, aquariums, zoos, golf courses or swimming pools. No more than 20 percent of each award shall be used to purchase office supplies, library materials, or other equipment whose purchase is not otherwise prohibited. In addition, ARRA SEP funding may not be used:

1. For construction, such as construction of mass transit systems and exclusive bus lanes, or for construction or repair of buildings or structures;
2. To purchase land, a building or structure or any interest therein;
3. To subsidize fares for public transportation;
4. To subsidize utility rate demonstrations or State tax credits for energy conservation measures or renewable energy measures; or
5. To conduct, or purchase equipment to conduct, research, development or demonstration of energy efficiency or renewable energy techniques and technologies not commercially available.

Retainer Contract

Any contract awarded as a result of this solicitation will be a no-fee "retainer" contract. The selected consultant will be held on retainer and will be assigned work via work authorizations. Work authorizations will be prepared for each task. The Energy Commission makes no guarantee that any or all of the funds will be assigned.

Key Activities and Dates

Key activities and tentative dates for this RFQ are presented below:

<u>Activities</u>	<u>Tentative Dates</u>
RFQ release	December 7, 2009
Pre-Bid Conference	December 17, 2009
Written Question Submittal Deadline	December 17, 2009
Distribute Questions / Answers and Addenda (if any)	December 30, 2009
Deadline to submit SOQ by 3:00 p.m.	January 12, 2010
SOQ Discussions with Firms	January 27, 2010
Notice of Selection	February 2, 2010
Cost Negotiations	February 3 – 11, 2010
Notice of Proposed Award	February 16, 2010
Energy Commission Business Meeting	March 2010
Contract Start Date	April 1, 2010
Contract End Date	June 30, 2013

I. Introduction, continued

How to Respond to This RFQ

Responses to this solicitation will be in the form of a Statement of Qualifications (SOQ) according to the format described in this RFQ. The SOQ shall document the Firm's qualifications to perform the tasks described in the Scope of Work found in this RFQ.

Eligible Bidders

Bidders must be Firms with experience in efficiency program monitoring, verification and evaluation that are capable of undertaking engineering projects. The staff appointed to work on this contract must include at least four California registered mechanical engineers and two California registered electrical engineers. The tasks will require engineering staff participation and oversight. If a bidder wins the award under Energy Commission RFP #150-09-101 (the ARRA Program Support Services Contract) they will be eliminated from bidding on this RFQ. The Energy Commission seeks separate and distinct contractors for these two solicitations.

Whom to Contact

This RFQ is available through the Energy Commission's Web Site at www.energy.ca.gov/contracts. Questions or clarifications about this RFQ should be directed to:

Sherri Bower, Contracts Officer
California Energy Commission
1516 Ninth Street, MS-18
Sacramento, CA 95814
Telephone: (916) 654-7093
FAX: (916) 654-4423
E-mail: sbower@energy.state.ca.us

Verbal Communication

Any verbal communication with an Energy Commission employee concerning this RFQ is not binding on the State and shall in no way alter a specification, term, or condition of the RFQ. Therefore, all communication should be directed to the Energy Commission's Contract Officer assigned to the RFQ.

I. Introduction, continued

PRE-BID CONFERENCE

There will be one Pre-Bid Conference; participation in this meeting is optional but encouraged. The Pre-Bid Conference will be held at the date, time and location listed below. Please call (916) 654-4392 or refer to the Energy Commission's website at www.energy.ca.gov to confirm the date and time.

December 17, 2009
1:30 p.m.
California Energy Commission
Hearing Room B
1516 Ninth Street, Sacramento, CA 95814
Telephone: (916) 654-4392

Participation through WebEx, the Energy Commission's on-line meeting service

COMPUTER LOGON WITH A DIRECT PHONE NUMBER:

- * Please go to <https://energy.webex.com> and enter the unique meeting number 922 578 013
- * When prompted, enter your information and the following meeting password meeting@1:30
- * After you login, a prompt will appear on-screen for you to provide your phone number. In the Number box, type your area code and phone number and click OK to receive a call back on your phone for the audio of the meeting. International callers can use the "Country/Region" button to help make their connection.

COMPUTER LOGON FOR CALLERS WITH AN EXTENSION PHONE NUMBER, ETC.:

- * Please go to <https://energy.webex.com> and enter the unique meeting number 922 578 013
- * When prompted, enter your information and the following meeting password meeting@1:30
- * After you login, a prompt will ask for your phone number. CLICK CANCEL.
- * Instead call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your screen after you login. International callers can dial in using the "Show all global call-in numbers" link (also in the top left area).

TELEPHONE ONLY (NO COMPUTER ACCESS):

- * Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number above. International callers can select their number from <https://energy.webex.com/energy/globalcallin.php>

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. To see if your computer is compatible, visit <http://support.webex.com/support/system-requirements.html>.

Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.

I. Introduction, continued

Firm's Responsibilities For Submitting A Statement of Qualifications

Firms must take the responsibility to:

-
- Carefully read this entire RFQ.
- Ask the appropriate questions in a timely manner.
- Submit all required responses in a complete manner by the required date and time.
- Make sure that all procedures and requirements of the RFQ are followed and appropriately addressed.
- Carefully reread the entire RFQ before submitting an SOQ.

I. Introduction, continued

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Federal and State Laws, Regulations, and Guidelines

Projects funded by ARRA must comply with various federal and state requirements. Firms must review the Energy Commission's Terms and Conditions for information regarding these requirements. Although Firms will be required to adhere to all contract terms and conditions, the following specific provisions may have potentially significant project impacts:

Federal

National Environmental Policy Act (NEPA): Firms selected for funding are restricted from taking any action using federal funds for projects under the contract that would have an adverse effect on the environment or limit the choice of reasonable alternatives prior to DOE providing a final NEPA determination regarding these projects.

If the successful Firm moves forward with activities that are not authorized for federal funding by the DOE Contracting Officer in advance of the final NEPA determination, it is doing so at risk of not receiving federal funding, and such costs may not be recognized as allowable cost share.

The **NEPA Compliance Form** (Attachment 10), contains additional information about NEPA. Firms selected for funding must complete this form prior to the Energy Commission's approval of an agreement.

Davis-Bacon Act (Federal prevailing wage law): In accordance with ARRA Section 1606, all laborers and mechanics employed by Contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to ARRA must be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the United States Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (Davis-Bacon Act).

For additional information on Davis-Bacon Act requirements, please see the **Davis-Bacon Act Questions and Answers** (Attachment 11).

Single Audit Act: States, local governments, and nonprofit organizations must be in compliance with requirements of the Single Audit Act. The Single Audit Act and Office of Management and Budget (OMB) Circular A-133, *Audits of State, Local Governmental, and Non-profit Organizations*, require entities that expend equal to or in excess of \$500,000 in a fiscal year to have an audit performed in accordance with the Act.

For additional information on Single Audit Act requirements, please see the **Single Audit Act Compliance Form** (Attachment 16). Firms selected for funding must verify compliance with the Single Audit Act, if applicable, prior to the Energy Commission's approval of an agreement.

I. Introduction, continued

Buy American Act: In accordance with ARRA Section 1605, ARRA funds may not be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel and manufactured goods used in the project are produced in the United States in a manner consistent with United States obligations under international agreements. This requirement may only be waived by the applicable federal agency in limited situations, as specified in ARRA Section 1605.

State

California Environmental Quality Act: Projects selected for funding may meet the definition of a “project” for purposes of the California Environmental Quality Act (CEQA). (See Public Resources Code section 21000 et seq.) If this occurs, the Energy Commission’s Legal staff will review the projects to determine whether an exemption applies that would prevent further actions under CEQA. If no exemption applies, certain CEQA requirements (such as preparation of an initial study, a negative declaration, or an environmental impact report) must be met prior to the Energy Commission approving the contract. The Applicant will pay the cost for these activities. The cost of CEQA review is not reimbursable under the contract. Please refer to Title 20, California Code of Regulations, Chapter 6, Article 1, including section 2308.

The **CEQA Compliance Form** (Attachment 14), contains additional information about CEQA. Firms selected for funding must complete this form prior to the Energy Commission’s approval of an agreement.

California Prevailing Wage Law: The California Department of Industrial Relations (DIR) has jurisdiction to decide whether a particular project is or is not a public work. If the project involves construction, alteration, demolition, installation, repair or maintenance work, it probably would be considered by DIR to be a public work. Any agreement resulting from this solicitation will include the requirements for a public works project, such as paying prevailing wage, keeping payroll records, complying with working hour requirements, and apprenticeship obligations.

For information about state prevailing wage requirements, see the **California Prevailing Wage Questions and Answers Form** (Attachment 12).

Additional Laws, Regulations, and Guidelines

In addition to the provisions above, Firms should be familiar with the following Federal and State laws, regulations, and guidelines that apply to the SEP:

Federal

The American Recovery and Reinvestment Act of 2009

<http://www.energy.ca.gov/recovery/documents/HR1.pdf>

Department of Energy State Energy Program Funding Opportunity Announcement DE-FOA-0000052

<https://www.fedconnect.net/FedConnect>

Title 10 Code of Federal Regulations (CFR) Part 420: State Energy Program

<http://www.gpoaccess.gov/cfr/index.html>

I. Introduction, continued

Office of Management and Budget reporting requirements

http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21.pdf

http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21-suppl.pdf

http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21-suppl2.pdf

Council of Economic Advisers' Estimates of Job Creation from the American Recovery and Reinvestment Act of 2009, May 2009

http://www.whitehouse.gov/assets/documents/Estimate_of_Job_Creation.pdf

State

California Energy Commission State Energy Program Guidelines

<http://www.energy.ca.gov/2009publications/CEC-150-2009-004/CEC-150-2009-004-CTD.PDF>

Energy Efficiency Conservation Block Grants Under the American Recovery and Reinvestment Act of 2009 COMMISSION ADOPTED GUIDELINES:

<http://www.energy.ca.gov/2009publications/CEC-150-2009-002/CEC-150-2009-002-CMF-REV1.PDF>

Registration Requirements

All applicants must be registered and in good standing in accordance with the requirements below:

Dun and Bradstreet Data Universal Number System (DUNS): Prior to beginning work, Applicants must obtain a DUNS number or, if necessary, update their organization's information. A DUNS number is a unique identifier used by the federal government to track distribution of federal funds. To obtain a DUNS number or to update information, please visit http://www.dnb.com/US/duns_update or contact the D&B Government Customer Response Center at 1-866-705-5711.

Central Contractor Registry (CCR): All Firms must maintain current registration in the CCR at all times during which they have an active award funded with ARRA funds. The CCR database is the federal government's primary registrant database. It collects, validates, stores and disseminates data in support of federal grants, cooperative agreements, and other forms of assistance. To register, please visit CCR's website at <http://www.ccr.gov>. For assistance, contact the Federal Service Desk at 1-866-606-8220. Registrants must update or renew their registration at least once per year to maintain an active status.

A DUNS Number is one of the requirements for registration in the CCR.

California Secretary of State's Office: California business entities as well as non-California business entities conducting intrastate business in California are required to register and be in good standing with the California Secretary of State to enter into an agreement with the Energy Commission. If not currently registered with the California Secretary of State, Firms are encouraged to contact the Secretary of State's Office as soon as possible to avoid potential delays in beginning the proposed project (should the application be successful). For more information, contact the Secretary of State's Office via its website at www.sos.ca.gov.

I. Introduction, continued

Firms responding to this RFQ may want to familiarize themselves with information on the following ARRA related web sites:

- State of California Recovery Website

- (www.ca.gov/recovery)

- California Energy Commission Recovery Website

- (www.energy.ca.gov/recovery)

- Federal Government Recovery Website

- (www.recovery.gov)

- U.S. Dept. of Energy

- (www.energy.gov/recovery/)

- U.S. Dept. of Justice

- (PDF file - Guide to Grant Oversight and Best Practices for Combating Grant Fraud)

- U.S. Dept. of Labor

- (www.dol.gov/recovery/)

- U.S. Office of Management & Budget

- (PDF file - Federal guidelines on transparency and accountability)

II. SCOPE OF WORK

About This Section

In this section, the Energy Commission describes the tasks the Firm (referred to as “Contractor” in the Scope of Work) will be asked to perform under the direction of the Energy Commission Contract Manager (CCM). This section also describes the work assignment process, deliverables, and due dates.

Background

The contract resulting from this solicitation is for program monitoring, verification and impact evaluation services. These are related activities, as monitoring and verification of program accomplishments is necessary to evaluate program impacts. The focus of this contract is the portfolio of programs that the California Energy Commission (Energy Commission) is funding through the American Recovery and Reinvestment Act (ARRA).

Both the federal Government, through the Office of Management and Budget, and Department of Energy, and California’s administrative and legislative branches, through the Department of Finance, Office of Chief Information Officer and Bureau of State Audits, have made it very clear that the ARRA programs will be the subject of intense scrutiny. In order to provide for transparent and responsible program administration and to provide clear information on the results of these programs, the Energy Commission is releasing two separate but related contract solicitations.

This solicitation seeks engineering services (at minimum two California registered electrical engineers and 4 California registered mechanical engineers) to monitor and physically verify the progress of ARRA award recipients. The Contractor shall visit a sample of ARRA award recipients’ sites and verify their progress towards project implementation (such as ensuring that energy saving equipment is purchased, installed and properly operating) to insure that funds are used properly. In addition, engineers are needed to specify monitoring activities, equipment, calibrations, locations and metering periods. This solicitation will also be used to gain engineering support on energy use, greenhouse gas emissions and job creation/retention for the ARRA program.

The selected Contractor shall be required to follow evaluation guidelines put forth by DOE for ARRA-funded programs. The selected Contractor shall also be expected to understand how ARRA-funded programs relate to and can help achieve California’s energy policy goals. The Energy Commission expects the selected Contractor to evaluate ARRA-funded programs in a manner that comports with evaluation guidelines put forth for other energy efficiency programs administered by the California Public Utilities Commission (CPUC). The CPUC’s uses for evaluation results differ from the Energy Commission’s goals. The Contractor may recommend how to modify the protocols in the CPUC’s guidelines, under this contract, for purposes of simplicity and meeting the Energy Commission’s goals.

II. Scope of Work, continued

The evaluation conducted as a result of this RFQ should produce program impact results that are useful in terms of meeting both Federal and State requirements for data regarding program achievements.

A second solicitation focused on financial accountability, is directed toward internal financial controls, as well as financial accountability of those receiving ARRA funding. This is called the ARRA Program Support Services Contract and is related to the RFQ (RFP #150-09-101).

The Contractor shall be responsible for both managing the tasks in the Statement of Work, as well as coordinating their own efforts with the ARRA Program Support Services Contractor. The Energy Commission is funding these contracts to combat waste, fraud and abuse. The ARRA Program Support Services Contract focuses on financial controls and auditing to insure proper and effective use of ARRA funds, while the MV&E Contractor shall be responsible for oversight in the field, and evaluation of the effectiveness of each of the ARRA-funded programs. The Energy Commission expects these Contractors to work efficiently and effectively together. The project management skills and experience of senior staff will be a major consideration in awarding this contract.

Firms interested in this solicitation should review the solicitation files for Request For Proposals #150-09-101 Federal Economic Recovery Program American Reinvestment And Recovery Act Program Support Services to fully appreciate the expectation of the Energy Commission that the two Contractors successfully collaborate where appropriate to achieve optimum outcomes from both contracts.

Work Authorizations

The Contractor shall provide engineering services as authorized by the Commission's Contract Manager through Work Authorizations (WA). Each WA shall define the scope of work, the schedule of deliverables and the project budget for work requested by the Energy Commission. The Contractor shall begin work only when a written WA is signed by all parties. The only exception is for the preparation of the first draft Work Authorization requested by the Commission's Contract Manager. The Contractor shall prepare a draft of each WA. The Energy Commission's legal office will review the draft WA. If the legal office approves it, the Commission Contract Manager, the Commission Project Manager, the Special Projects Office Manager, and the Contractor shall sign WA. The Commission Contract Manager shall file each final WA with the Commission Contracts Office before payment of any invoice.

II. Scope of Work, continued

Statement of Work

The goal of this solicitation is to select engineering expertise to cost-effectively plan, design, and perform monitoring and verification of ARRA award recipients' efforts, as well as impact assessments of the Energy Commission's ARRA-funded SEP, EECBG, Energy Star Appliance and (Energy Security) programs. The Firm preparing the SOQ, must provide their best solution to the work detailed under each of the following tasks. Your responses will be evaluated and scored. The Firm winning the award will detail for each task, via an approved work authorization: their labor effort, budget, schedule, and deliverables.

Task 1: Develop an Action Plan for using engineering expertise to Monitor and Verify ARRA Program Activities and Products (approximately 5% of work effort)

The Contractor shall prepare a draft and a final work authorization detailing the work effort, budget, schedule and deliverables to complete the work proposed under this Task.

Contractor shall develop a Monitoring and Verification (M&V) Action Plan (the M&V Action Plan). The goal of the M&V Action Plan is to provide engineering services that augment and confirm data on program and ARRA award recipients' progress, to insure accurate and up-to-date information for the Commission's reporting on program progress, prevention of financial waste, fraud and abuse and for determining results of ARRA award recipients' efforts.

The Contractor shall develop a methodology to work with the Energy Commission's staff and the ARRA Program Support Services Contractor to assist the Energy Commission through monitoring and verification of program activities and results. The M&V Action Plan shall include discussion of how the Contractor will use its engineering expertise to provide information to report on and evaluate the progress and accomplishments of ARRA award recipients', and what the Contractor proposes to report. If the Contractor's methodology requires ARRA award recipients' to report additional information, the Contractor will discuss how that effort will be integrated, as far as possible, with existing data collection, and what training, if necessary, will be provided to ARRA award recipients'.

The M&V Action Plan shall include discussion of activities and procedures to be used for measuring and verifying appropriate installation of equipment and systems, installation of agreed-upon equipment and systems and the resulting energy savings, what methodologies the Contractor will use for sampling (and which are appropriate for what circumstances), and expected sample sizes to support the Contractor's methodology with statistically valid results. The M&V Action Plan should also provide information and procedures on the site and measure-specific measurement and verification plans.

II. Scope of Work, continued

The Contractor shall implement the M&V Action Plan by conducting file reviews and site visits, metering and monitoring the various energy efficiency measures installed through the programs, fielding surveys (e.g., in person, telephone, e-mail, etc.), analyzing secondary data, analyzing energy use and production (i.e., from renewable energy systems) data, conducting engineering analysis and modeling, and assisting in gathering inputs for the benefit/cost analysis. The Contractor must independently evaluate program impacts for a wide array of end-use energy customers (e.g. residential, commercial, industrial, and municipal) in a manner consistent with accepted engineering standards and protocols (i.e., the International Performance Measurement and Verification Protocol (IPMVP) guidelines as established by DOE) and any specific evaluation guidelines put forth by DOE for ARRA-funded programs.

The Contractor shall present their methodologies for identifying projects or ARRA award recipients' with a significant risk of failure or default, and methods for early identification of problems. The Contractor shall coordinate with the Program Support Services Contractor, who will also be identifying high risk projects.

The Contractor shall explain how they will coordinate with the Commission's Program Support Services Contractor to avoid duplicative information gathering and site visits. Any data gathered and information reported must align with the current and changing Federal and State requirements, as well as the transparency and accountability goals set forth by the Federal Stimulus Package, the Office of Management and Budget, the Governor's Office and other state or federal oversight entities. The new processes, measures, and tools must also leverage the Energy Commission's existing technology platforms and enable the development of other reporting features that could be incorporated into the Energy Commission's recovery web pages. (See www.energy.ca.gov/recovery)

State and Federal agencies will require an independent review, verification, measurement, and evaluation of all ARRA funding awards. The reporting and tracking process must gather and manage important foundational data for the DOE evaluation report and any audits initiated by the federal OMB and/or state agencies.

The Contractor shall work with Energy Commission's program staff, where appropriate, to develop the system for tracking and reporting program results and impacts.

The Contractor shall develop procedures and identify roles/responsibilities for gathering, entering, validating, and reporting data necessary to demonstrate ARRA program results.

The Contractor shall work with Energy Commission's information technology (IT) resources and web team to identify an approach to easily convert any program progress data reported from ARRA fund recipients to the Energy Commission's ARRA reporting data system.

II. Scope of Work, continued

The Contractor shall provide documentation and training materials on new procedures, process(es), measures, and tools for recipients, necessary to implement data collection.

The Contractor shall provide other assistance related to impact measurement verification and evaluation of the Energy Commission ARRA-funded projects and programs on an ad hoc basis. This includes contributing to existing reports that the Energy Commission must file to comply with DOE and other requirements, and presenting interim results to various audiences in various forums. Contractor staff will be available during the contract, to brief Energy Commission management, Department of Energy or Office of Management and Budget or state agency staff on progress and findings. The Energy Commission may request other ad hoc or interim reports.

Task 1 Deliverables:

- 1A. Draft Work Authorization
- 1B. Final Work Authorization
- 1C. Draft Monitoring and Verification (M&V) Action Plan of ARRA-funded activities.
- 1D. Final M&V Action Plan. Based on Energy Commission comments, the Contractor shall revise the draft action plan and develop a final plan subject to contract manager approval.
- 1E. Draft template of a monthly email report for Contract manager comments and approval.
- 1F. Final template for a monthly email report
- 1G. Draft of the training materials for Energy Commission approval
- 1H. Revise the draft based on comments and provide final training materials
- 1I. Draft ad hoc reports as needed
- 1J. Final ad hoc reports as needed.

Task 2: Implementation of the Monitoring and Verification Plan (approximately 40% of work effort)

Upon approval of the final M&V Action Plan, by the Energy Commission Contract Manager, the Contractor shall prepare a draft and final work authorization detailing the work effort, budget, schedule, and deliverables to implement the M&V Action Plan, with regular reporting to the Energy Commission on progress and accomplishments. The Contractor will make staff available to the Energy Commission to answer questions.

The Contractor shall provide monthly reports, detailing the monitoring and verification accomplishments of the previous month, and identifying progress against the M&V Action Plan.

Deliverables shall also include, but may not be limited to providing annual reports detailing monitoring and verification findings, contributing to existing reports that the Energy Commission must file to comply with DOE and other external agency requirements, and presenting interim results to various audiences in various forums. Contractor staff shall be available to brief Energy Commission management, Department of Energy or Office of Management and Budget or state agency staff on progress and findings.

II. Scope of Work, continued

Task 2 Deliverables:

- 2A. Draft work authorization to implement the M&V Action Plan
- 2B. Final work authorization to implement the M&V Action Plan
- 2C. Monthly report using the approved template

Task 3: Develop an Action Plan for Engineering Efforts to Evaluate Energy, Peak Demand, and other impacts of ARRA Program Activities (approximately 5% of work effort)

The Contractor shall prepare a draft and final work authorization detailing the work effort, budget, schedule and deliverables to complete the work proposed under this Task.

Contractor shall provide an Action Plan for Engineering Evaluation (the EE Plan) efforts. Contractor shall detail the engineering services needed to prepare credible and comprehensive evaluations of the SEP and EECBG program portfolios, the Energy Star Appliance Program, and the Energy Security program, identifying individual program progress and accomplishments. Contractor shall provide timely information to the Energy Commission, DOE, and other key stakeholders about the impacts and cost-effectiveness of the programs.

The evaluation activities performed by the Contractor shall utilize the Contractor's engineering expertise and experience. Evaluations will focus on the key metrics outlined by DOE including: measuring and verifying energy and demand savings; amount of renewable energy generation and installed capacity; carbon emission reductions; adoption of new technologies, long-term efficiency improvements and to a much lesser degree, where possible, estimates of job creation (including number, type and duration), employment impacts and other engineering/economic impacts.

Data collection activities for impact evaluation include but are not limited to the use of site visits, energy use metering, review of utility billing data surveys and other methods to determine attribution of energy savings and other impacts to the program funding

The Contractor shall use its engineering expertise to develop and implement methods for determining electricity and natural gas savings, peak electricity load reduction, and any other reporting metrics that the DOE may require (such as energy use impacts, persistence of savings and quantifying cost-effectiveness of the programs).

The Contractor shall develop stratified sampling plans that identify a representative sample of funding recipients and project-level facilities. The purpose of the sampling plan is to obtain an accurate and precise estimate of the variables of interest. Sampling and site visits for program evaluation should be coordinated with sampling for the monitoring and verification tasks, to provide most efficient use of resources, with least disruption to ARRA award recipients. The quantification of impacts should not systematically over or under estimate impacts and the accuracy must be sufficient to enable the Energy Commission to make decisions with reasonable assurance as to the integrity of the reported information. In developing a sampling plan, the Contractor must

II. Scope of Work, continued

consider the minimum number of facility visits required to get statistically valid results. The plan must also ensure that the EE Plan and selected facility visits adequately account for the diversity of ARRA award recipients and facilities. The reports shall fulfill the requirements set out by federal and state agency reporting requirements and guidelines.

The EE Plan should include, but not be limited to, discussion of how the following sub-tasks will be accomplished:

3a. Evaluation of energy impacts attributable to the ARRA-funded programs.

Activities shall include, but may not be limited to:

- measuring and verifying energy efficiency measure installation and energy impacts (included in Task 1, Monitoring and Verification Action Plan)
- Collecting field data by metering and monitoring equipment installed through the programs; (included in Task 1, Monitoring and Verification Action Plan)
- Conducting reviews to assess reasonableness of engineering calculations and protocols; and
- Conducting analysis of energy consumption and production data to ascertain savings/generation and peak demand reductions due to energy efficiency or renewable energy measure installation.

The measurement standard applicable to the verification of energy, fossil fuel and peak reduction impacts shall be generally consistent with best practices in:

California Energy Efficiency Evaluation Protocols: Technical Methodological and Reporting Requirements for Evaluation Professionals, California Public Utilities Commission, and April 2006

While these protocols should serve as a guide to the Contractor's efforts, where the Contractor believes those protocols would be inappropriate, unnecessary or unnecessarily complex for the Energy Commission's evaluation effort, the Contractor's methodology should be adapted to the Energy Commission's needs, which should be documented and approved by the Commission Contract Manager.

The Energy Commission will require the Contractor to estimate the market impacts of these programs, and what actions the Energy Commission or other agencies can take to strengthen or increase the persistence of positive market impacts.

3b. Determining cost-effectiveness of Program Impacts

Provide engineering services to conduct cost-effectiveness analysis of the Energy Commission ARRA-funded SEP, EECBG, Energy Star Appliance and Energy Security Programs.

Cost-effectiveness tasks conducted by the Contractor shall include, but may not be limited to:

- Reviewing and identifying appropriate cost-effectiveness tests for the Energy Commission's various ARRA-funded programs.

II. Scope of Work, continued

- Assisting in developing inputs and assumptions for calculating program, sector, and portfolio level cost-effectiveness. These inputs will include but will not be limited to: engineering or experience-based estimates of, energy savings, incremental and total measure costs, leveraged funds, program costs and measure life. Stipulated values, developed as part of California Public Utilities Commission processes are acceptable as experience-based estimates.
- Calculating and reviewing cost-effectiveness and interim results.

In addition, the Contractor shall provide other assistance related to impact measurement verification and evaluation of the Energy Commission ARRA-funded SEP and EECBG Programs on an ad hoc basis. This includes contributing to existing reports that the Energy Commission must file to comply with DOE and other requirements, and presenting interim results to various audiences in various forums. Contractor staff will be available during the contract, to brief Energy Commission management, Department of Energy or Office of Management and Budget or state agency staff on progress and findings. The Energy Commission may request other ad hoc or interim reports.

Task 3 Deliverables:

- 3A. Draft work authorization for the development of an Action Plan for Engineering Evaluation
- 3B. Final work authorization for the development of an Action Plan for Engineering Evaluation
- 3C. Evaluation of energy impacts
- 3D. Cost Effectiveness analyses
- 3E. Provide a draft template of a monthly email report for Energy Commission approval
- 3F. Provide a final template for a monthly email report
- 3G. Provide a draft of the training materials for Energy Commission approval
- 3H. Revise the draft based on comments and provide final training materials
- 3I. Draft ad hoc reports as needed
- 3J. Final ad hoc reports as needed

Task 4. Evaluation Action Plan Implementation (approximately 35% of work effort)

Upon approval of the final Action Plan for Engineering Evaluation, by the Energy Commission Contract Manager, the Contractor shall prepare a draft and final work authorization detailing the work effort, budget, schedule, and deliverables to implement the Action Plan for Engineering Evaluation.

The Contractor shall provide monthly reports, detailing the evaluation accomplishments of the previous month, and identifying progress against the Action Plan for Engineering Evaluation.

Task 4 Deliverables:

- 4A. Draft work authorization implementing the Action Plan for Engineering Evaluation
- 4B. Final work authorization implementing the Action Plan for Engineering Evaluation
- 4C. Provide a monthly report using the approved template

II. Scope of Work, continued

Task 5. Annual and Final Reporting (approximately 5% of work effort)

The Contractor shall prepare a draft and final work authorization detailing the work effort, budget, schedule and deliverables to complete the work proposed under this Task.

The Contractor shall prepare quarterly reports that summarize activities and results of Contractor's efforts on each of the ARRA funded programs and under each Work Authorization.

The Contractor shall provide two annual reports and a final report on the activities and results of the Contractor's efforts on each of the ARRA-funded programs. Each annual report will summarize activities undertaken and completed during the contract year just ended. The reports will break out findings and results from each of the ARRA-funded efforts. Annual reporting will begin 12 months after approval of the M&V Action Plan and continue every year thereafter for the remainder of the agreement (it is anticipated that there will be two annual reports).

The Contractor shall prepare a comprehensive written Final Report that describes the original purpose, approach, results and conclusions of the work done under this Agreement.

In addition, the final report shall summarize overall findings from monitoring and verification of program activities and detailing their activities and findings for each of the ARRA-funded programs that the Energy Commission undertakes. The final report section on evaluation activities will include estimates of each program's cost effectiveness of energy savings, of peak load reduction and other DOE metrics.

The Contractor shall prepare the draft Final Report for this Agreement and submit the draft Final Report to the CCM for review and comment. The CCM will provide written comments to the Contractor within 15 calendar days of receipt. The Contractor shall review the comments and discuss any problematic recommended changes with the CCM.

The CCM will review and approve the Final Report. The Final Report must be completed before the termination date of the Agreement. The Final Report shall be a public document.

The Contractor may be asked to contribute to existing reports that the Energy Commission must file to comply with DOE and other agencies, and present interim results to various audiences in various forums.

Task 5 Deliverables:

- 5A. Draft Quarterly reports
- 5B. Final quarterly reports
- 5C. Draft annual reports
- 5D. Final annual reports
- 5E. Draft Final Report

II. Scope of Work, continued

5F. Final Report

5G. Ad hoc reporting

Task 6. Administrative Support Services to Contract (approximately 10% of work effort)

The Contractor shall prepare a draft and a final work authorization detailing the work effort, budget, schedule and deliverables to complete the work proposed under this Task.

The Contractor's responsibilities under this task include, but are not necessarily limited to, the following:

- Administer Work Authorizations. At the direction of the Contract Manager, issue Energy Commission prepared work authorizations which define the scope of work, the schedule of deliverables and the project budget. Per Exhibit E, in the Terms and Conditions of the Agreement each WA shall include the following:
 1. Contract Number
 2. WA Number
 3. WA Title
 4. Effective Date (date signed by both Contractor and Contract Manger indicating Contractor may begin work)
 5. End Date
 6. Funding Source
 7. Objective or goal of the WA
 8. Detailed scope of work and tasks
 9. What task the WA falls within in the Contract
 10. Schedule/Due dates and Deliverables
 11. Contact Information
 12. Contractor and Subcontractor personnel who will perform the work
 13. Identification of DVBE
 14. Detailed Budget
 - Hours and fully loaded hourly rates by person or job classification, as allowed by Contract budget
 - Travel and per diem, as allowed by Contract budget
 - Other direct costs, as allowed by Contract budget (i.e. postage)
 15. Other items as required by Contract Manager
- Maintain a current contract spreadsheet capable of tracking subcontractor and Contractor work activity, subcontractor and Contractor invoice activity, and the status of work authorizations.
- Invoices. The Contractor shall prepare a monthly invoice for all contract expenses performed for assigned work authorizations. The official invoice is to be submitted to the Energy Commission's Accounting Office. The Energy Commission's Contract Manager will specify the invoice format.

II. Scope of Work, continued

- Subcontractors. In the event subcontractors are part of the Contractor's proposal, the Contractor shall manage and coordinate subcontractor activities.
 - ◆ The Contractor is responsible for the quality of all subcontractor work and the Energy Commission will assign all work to the Contractor. Enforce subcontractor Agreement provisions, and in the event of failure of the subcontractor to satisfactorily perform services, recommend resolution to resolve the problem.
 - ◆ Require subcontractors to provide invoices which correctly identify personnel, actual hourly rates, direct expenses and Disable Veterans business Enterprise amounts charged to each work authorization and provide back-up documentation for expenses
 - ◆ If new subcontractors are added, the Contractor shall notify the CCM who will follow the Energy Commission's process for adding or replacing subcontractors.
- Monthly Progress Report. The Contractor shall prepare a monthly progress report which summarizes all activities conducted by the Contractor and team. This report includes a summary of contract expenditures to date. The monthly progress report is due to the Energy Commission's Contract Manager within 3 working days after the end of the month. The Energy Commission's Contract Manager will specify the report format and the number of copies to be submitted. All monthly progress reports will coincide with the invoice period.
- Program Meetings and Briefings. At the request of the Energy Commission's Contract Manager, the Contractor and subcontractors shall be available for meetings or to provide written and/or verbal program briefings to the Energy Commission's staff or others. Contractor staff will be available during the contract, to brief Energy Commission management, Department of Energy or Office of Management and Budget or state agency staff on progress and findings. The cost of meetings with public agencies will be included in each work authorization. The cost of meetings requested specifically by the Contractor will be borne solely by the Contractor.

Task 6 Deliverables:

- 6A. Draft Work Authorization
- 6B. Final Work Authorization
- 6C. Monthly Progress Report
- 6D. Monthly Invoice
- 6E. Program Meetings and Briefings

III. SOQ Format and Required Documents

About This Section

This section provides Firms with information about how to prepare a Statement of Qualifications (SOQ) in response to this RFQ. Firms must follow all SOQ format instructions, answer all questions, and supply all requested data.

Pricing/Rates Information

Do not submit any price quotes or bids in your SOQ since this will be negotiated with the top rated Firm.

Required Format

The following topics constitute the **mandatory order of presentation for an SOQ**. Provide one (1) original and five (5) copies. The Firm must submit the original and copies in a sealed envelope labeled with the RFQ title and number. Two-sided copying is preferred.

Firms must also submit electronic files of the qualifications on [CD-ROM diskette](#) along with the paper submittal. Electronic files must be in Microsoft Word XP (.doc format) and Excel Office Suite formats. Electronic files submitted via e-mail will not be accepted.

VOLUME 1, Administrative Response

1. Cover Letter
2. Table of Contents
3. Required Documents and Statements
 - Contractor Status Form
 - Darfur Contracting Act Form
 - Completed Disabled Veteran Business Enterprise Forms (std. 843 and GSPD-05-105)
 - Signed Contractor Certification Clauses
 - NEPA Compliance/Certification Form
 - CEQA Compliance Form
 - Financial Management Information Form

VOLUME 2, Technical Response

1. Approach to Tasks in Scope of Work
2. Contractor Qualifications
3. Cost Minimization
4. Project Team Organization Structure
5. Project Team Relevant Experience and Qualifications
6. Client References
7. Examples of Prior Work

III. SOQ Format and Required Documents, continued

VOLUME 1, ADMINISTRATIVE RESPONSE FORMAT

Cover Letter

Each Firm shall submit a cover letter on company letterhead that includes a reference to the RFQ title and number, a statement that the firm is willing to enter into a contract with the state, and signed by a person having the authority to commit the Firm to a contract.

Table of Contents

Each SOQ must include a Table of Contents organized in the mandatory order cited previously and with corresponding page numbers.

Required Documents and Statements

Every Firm must complete and include the following forms with their SOQ:

1. Contractor Status Form
2. Darfur Contracting Act Form
3. Completed Disabled Veteran Business Enterprise Forms - std. 843 and GSPD-05-105 (Firms who qualify as government entities are exempt from this requirement).
4. Signed Contractor Certification Clauses
5. NEPA Compliance/Certification Form
6. CEQA Compliance Form
7. Financial Management Information Form

VOLUME 2, TECHNICAL RESPONSE FORMAT

Approach to Tasks in Scope of Work

Describe the Firm's approach to providing services listed in the Scope of Work, highlighting outstanding features, qualifications, and experience.

Contractor's Qualifications

Contract Management and Administrative Qualifications

Describe the Firm's approach to contract management and administration of this Agreement. Identify the Contract Management team members. Describe where Contractor's office(s) are located and proposed methods of minimizing costs to the State. Describe where subcontractors are located and proposed methods of minimizing costs to the State.

III. SOQ Format and Required Documents, continued

Team Members and Relationship

Provide a short description of each firm and key members on the team. The contract team must have at a minimum two California registered electrical engineers and 4 California registered mechanical engineers (include registration numbers for each engineer on your team). Describe the relationship between the Contractor and subcontractors on your team. Indicate any history of a working relationship between the team members noting any significant success stories.

Analytical Tools

Describe what type of computers and/or analytical tools will be used to accomplish the tasks listed in the Scope of Work.

Cost Minimization

Without revealing hourly rates or cost, describe the efforts that the Contractor will take to minimize costs to the Energy Commission in the successful performance of this Agreement. For example:

In-State Travel Costs

What policy will the Contractor adopt as related to team member time charges when the team member is traveling and/or not working actively on the Agreement?

Out of State Travel Costs

It is the Energy Commission's intent to reimburse Contractors for airfare within California. If the Contractor and/or team members are located out of state, will the Contractor establish an office in California and/or initiate all travel and related time charges from this California office, and not the out of state office? The Energy Commission is interested in reimbursing the Contractor for active time spent working on this Agreement, not travel.

Project Team Organization Structure

1. Describe the organizational structure of the Firm, including providing an organizational chart of the entire contract team.
2. Advise the location of the Firm's and Subcontractor's headquarters and satellite office(s) and proposed methods of minimizing costs to the State.
3. Provide a short description of each firm and key members on the team. Describe the relationship between the Contractor and subcontractors on your team. Indicate any history of a working relationship between the team members noting any significant success stories
4. Describe professional awards.
5. Describe the organization, composition, and functions to be performed by staff members of the Firm and any subcontractors and how the staff pertains to this Agreement.

III. SOQ Format and Required Documents, continued

6. Identify a primary contact person. This person should participate in the discussion session. At least one person from each technical area should also participate.
7. Describe any technical capabilities that would facilitate communicating with the Energy Commission (e.g., internet capability and electronic reports).

Project Team Relevant Experience and Qualifications

1. Document the project team's qualifications as they apply to performing the tasks described in the Scope of Work. Describe the nature and scope of recently completed work as it relates to the Scope of Work.
2. Identify and list all Firm staff and subcontractors (all team members) who will be committed to the tasks and describe their roles.
3. Describe job classification, relevant experience, education, academic degrees and professional licenses of these technical staff team members. The team must have at minimum two California registered electrical engineers and 4 California registered mechanical engineers (provide registration numbers for all engineers on your team).
4. Provide a current resume for all team members listed and identify the percentage of time each team member will be available throughout the Agreement.
5. Identify the percentage of time each team member will be available throughout the Agreement.
6. Describe their familiarity with the administration, management, and technical expertise in performing pertinent tasks identified in the Scope of Work.

Client References

Each Firm shall complete a Client Reference Form. Three client references are required for the Firm and three client references are required for each subcontractor.

Examples of Prior Work

Each Firm shall provide a minimum of two examples of work products for the services to be provided under this Scope of Work. (It is not necessary to provide more than one copy of each work product example).

If more than one company will be providing technical support in a task area, each firm shall submit one example product that demonstrates experience in potential work assignments described in this RFQ.

IV. RFQ Administrative Requirements

About This Section

This section provides Firms details in submitting a successful SOQ, including definitions of important terms, sources of information, submitting the SOQ, confidential information, grounds for rejecting an SOQ, and other administrative details.

RFQ Defined

The competitive method used for this procurement of services is a RFQ. An SOQ submitted in response will be scored and ranked based on the criteria in this RFQ. Every SOQ must establish in writing the Firm's ability to perform the RFQ's tasks. The Energy Commission may conduct interviews and select the most qualified Firm. The Energy Commission will negotiate an Agreement with the selected Firm for compensation which the Energy Commission determines to be fair and reasonable.

Where and How to Deliver the SOQ

A Firm may deliver an SOQ by:

-
- U.S. Mail,
- in person, or
- messenger service.
-

All SOQs must be **delivered** to the Energy Commission's Contracts Office at 1516 Ninth Street, M-S 18, Sacramento, CA 95814, by 3:00 P.M. on the deadline to submit SOQ date. Any SOQ received after 3:00 P.M. will not be accepted. E-mail and facsimile (FAX) transmissions **WILL NOT** be accepted in whole or in part under any circumstances.

Important Administrative Details

Firm's Cost

The Firm is responsible for the cost of developing an SOQ and this cost cannot be charged to the State.

Confidential Information

No confidential information is allowed to be submitted in your SOQ. Any SOQ that contains confidential information shall be rejected.

Darfur Contracting Act

Effective January 1, 2009, all contracts for goods or services must address the requirements of the Darfur Contracting Act of 2008 (Act). (Public Contract Code sections 10475, *et seq.*; Stats. 2008, Ch. 272) The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with "scrutinized" companies that do business in the African nation of

IV. RFQ Administrative Requirements, continued

Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, bid on or submit a proposal for a contract with a State agency for goods or services. (Public Contract Code section 10477(a)).

Therefore, Public Contract Code section 10478 (a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a “scrutinized” company when it submits a bid or proposal to a State agency. (See # 1 on Attachment 2)

A scrutinized company may still, however, submit a bid or proposal for a contract with a State agency for goods or services if the company first obtains permission from the Department of General Services (DGS) according to the criteria set forth in Public Contract Code section 10477(b). (See # 2 on Attachment 2)

Disabled Veteran Business Enterprises

This Agreement is subject to a participation goal of three percent (3%) certified California Disabled Veteran Business Enterprises (DVBE) as set forth in Public Contract Code sections 10115, et seq.

Disabled Veteran Business Enterprises (DVBE) Compliance Requirements

The Disabled Veteran Business Enterprise (DVBE) Program has two inter-related aspects:

Participation Goals: The mandatory DVBE Participation Program of achieving participation goals (normally 3% for disabled veteran business enterprises) by attaining the minimum 3% goal.

and

Incentive: The DVBE Incentive Program gives a Contractor an opportunity to improve their bid status based on the efforts attained from the DVBE Participation Program.

This RFQ is subject to a participation goal of three percent (3%) certified California Disabled Veteran Business Enterprise (DVBE) as set forth in Public Contract Code Section 10115 et seq.

“Commercially Useful Function” Requirements For DVBE

A certified DVBE shall provide goods or services that contribute to the fulfillment of the contract requirements by performing a **commercially useful function**.

IV. RFQ Administrative Requirements, continued

A DVBE is deemed to perform a **commercially useful function** if it does all of the following:

1. Is responsible for the execution of a distinct element of the work of the contract.
2. Carries out its obligation by actually performing, managing, or supervising the work involved.
3. Performs work that is normal for its business services and functions.
4. Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.

A Contractor, subcontractor, or supplier will not be considered to perform a **commercially useful function** if the Contractor's, subcontractor's, or supplier's role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DVBE participation.

Notice of Selection

Subsequent to the SOQ evaluations and discussion interviews, the Energy Commission will post a "Notice of Selection" at the Energy Commission's headquarters in Sacramento, and on the Commission's Web Site.

California Energy Commission
Contracts Office
1516 Ninth Street, MS-18
Sacramento, CA 95814

Negotiations

Pursuant to Title 20, California Code of Regulations (CCR), section 2565 and Public Contract Code (PCC) 6106, within 14 days after posting the Notice of Selection, the Energy Commission will begin negotiations with the top ranked Firm for an acceptable fee (hourly rates). The top ranked Firm will be required to submit a list of rates after written notification of selection. If negotiations with the top ranked Firm fail, the Energy Commission will enter into negotiations with the next highest Firm, and so on.

Notice of Proposed Award

Subsequent to the negotiations, the Energy Commission will post a "Notice of Proposed Award" at the Energy Commission's headquarters in Sacramento, and on the Commission's Web Site.

California Energy Commission
Contracts Office
1516 Ninth Street, MS-18
Sacramento, CA 95814

IV. RFQ Administrative Requirements, continued

RFQ Cancellation

If it is in the State's best interests, the Energy Commission reserves the right to do any of the following:

- Cancel this RFQ,
- Amend this RFQ, or
- Reject any or all SOQs received in response to this RFQ

RFQ Amendments

If the RFQ is amended, the Energy Commission will send an addendum to all parties who requested the RFQ and will also post it on the Energy Commission's Web Site: www.energy.ca.gov/contracts and Department of General Services' Web Site: www.cscr.dgs.ca.gov/cscr.

Errors

If a Firm discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFQ, the Firm shall immediately notify the Energy Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications resulting from this notice will be posted on the Energy Commission's Web Site without divulging the source of the request for clarification. The Energy Commission shall not be responsible for failure to correct errors.

Modifying or Withdrawing an SOQ

Withdrawal/Modification

A Firm may, by letter to the Contact Person, withdraw or modify a submitted SOQ before the deadline to submit an SOQ. An SOQ cannot be changed after that date and time.

Immaterial Defect

The Energy Commission may waive any immaterial defect or deviation contained in a Firm's SOQ. The Energy Commission's waiver shall in no way modify the SOQ or excuse the successful Firm from full compliance.

Disposition of Firm's Documents

On the submission date, all SOQs and related material submitted in response to this RFQ become the property of the State. After the Notice of Proposed Award is posted, all SOQs and related materials become public records. In addition, all evaluation and scoring sheets become public records after the Notice of Proposed Award is posted. The original SOQ may be returned to a Firm upon written request.

IV. RFQ Administrative Requirements, continued

Contract Requirements

See the Standard Agreement sample included in this RFQ.

No Contract Until Signed & Approved

No Agreement between the Energy Commission and the successful Firm is in effect until the contract is signed by the Contractor, approved at an Energy Commission Business Meeting and signed by the Energy Commission Contracts Manager.

Conflict of Interest

Pursuant to 20 CCR 2569, Firms are prohibited from offering, soliciting, or accepting gifts, services, loans, rebates or payments of any kind (such as kickbacks) from any Energy Commission employee.

Firms' Admonishment

This RFQ contains the instructions governing the requirements for a firm quotation to be submitted by interested Firms, the format in which the technical information is to be submitted, the material to be included, the requirements which must be met to be eligible for consideration, and Firm responsibilities. Firms must take the responsibility to carefully read the entire RFQ, ask appropriate questions in a timely manner, submit all required responses in a complete manner by the required date and time, make sure that all procedures and requirements of the RFQ are followed and appropriately addressed, and carefully reread the entire RFQ before submitting a proposal.

Grounds to Reject an SOQ

An SOQ shall be rejected if:

- It is received after the exact time and date set for receipt of SOQs.
- It is considered nonresponsive to the California DVBE participation requirements.
- It is lacking a properly executed Contractor Certification Clause(s).
- It is lacking a properly executed Darfur Contracting Act.
- It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Firm.
- If the SOQ is intended to erroneously and fallaciously mislead the State in its evaluation of the SOQ and the attribute, condition, or capability is a requirement of this RFQ.
- There is a conflict of interest as stated in this RFQ.
- It contains confidential information.

IV. RFQ Administrative Requirements, continued

An SOQ may be rejected if:

-
- It is not prepared in the mandatory format described.
- It is unsigned.
- It does not literally comply or contains caveats that conflict with the RFQ and the variation or deviation is not material, or it is otherwise nonresponsive.

V. Qualifications Evaluation

Selection Process Steps

The Energy Commission will organize a committee whose members have expertise in evaluation of architectural and engineering services. The Evaluation Committee will evaluate the SOQs as follows:

Fulfillment of RFQ Mandatory Format

The Contracts Office will first identify those Firms whose SOQs adhere to the mandatory format outlined in this RFQ. Firms who do not follow the mandatory format may be eliminated from the competition.

Evaluation of Qualifications

The Evaluation Committee will review and score all remaining SOQs based on the Evaluation Criteria in this RFQ. The preliminary technical score for each SOQ will be the average of the combined scores of all Evaluation Committee members.

Discussions

The Evaluation Committee shall conduct discussions during the Evaluation Process with no less than three Firms regarding qualifications and methods for furnishing the required services. Firms invited to participate in the Discussion will be scored by the Evaluation Committee on their response. The Evaluation Committee may use patterned questions and/or questions specific to an SOQ to conduct these discussions. The Evaluation Committee may provide the Firms with a copy of the questions and/or issues to be addressed and a format for structured discussions.

Upon completion of the discussions the Evaluation Committee may make adjustments to the preliminary scores and re-rank the Firms. From the Firms with which discussions are held, the Evaluation Committee shall select no less than three, in order of preference, based upon the established criteria, who are deemed to be the most highly qualified to provide the required services. Firms should anticipate travel to the Energy Commission Headquarters for the discussions.

V. Qualifications Evaluation, continued

How the SOQ Will be Scored

The Evaluation Committee will award points for the technical criteria based on the following considerations.

Point Scale

0 Points	<ul style="list-style-type: none">✓ The response is not in substantial accord with the RFQ requirements.✓ Has a potential significant effect on the amount paid or net cost to the State or the quality or quantity of the product and/or service.✓ Provides an advantage to one competitor over the other competitors. For example, not paying minimum wages.
1-3 Points	<ul style="list-style-type: none">✓ The SOQ states a requirement, but offers no explanation of how or what will be accomplished.✓ The response contains a technical deficiency which is an inaccurate statement or reference concerning the how, what, where, or when, which is part of an overall statement or description.
4-6 Points	<ul style="list-style-type: none">✓ Satisfies the minimum requirements and describes generally how and/or what will be accomplished.
7-9 Points	<ul style="list-style-type: none">✓ Response satisfies the minimum requirements and specifically describes how and/or what will be accomplished in an exemplary manner, using sample products and illustrative materials (i.e. diagrams, charts, graphs, etc.).
10 Points	<ul style="list-style-type: none">✓ Exceeds the minimum requirements and specifically describes how and/or what will be accomplished in a superior manner, both quantitatively and qualitatively, using sample products and illustrative materials (i.e., diagrams, charts, graphs, etc.).

Ranking an SOQ

After each SOQ is scored, it will be placed on a list, in rank order, with the highest scoring SOQ placed first and the remainder in descending order based on score.

Preference Points

A Firm may qualify for non-technical preference points such as Disabled Veteran Business Enterprises (DVBE) Incentive points. Each qualifying Firm passing the minimum technical evaluation will receive the applicable preference points.

V. Qualifications Evaluation, continued

Target Area Contract Preference Request

The Target Area Contract Preference Act (Government Code Section 4530 et seq.) provides five percent (5%) preference points to California-based companies that perform state contract work in a distressed area. Firms should complete the attachment if they qualify for this preference. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

Enterprise Zone Request

The Enterprise Zone Act (Government Code Section 7070, et seq.) provides preference points as an incentive for business and job development in distressed and declining areas of the State. Firms should review the attachment to determine if they qualify for this incentive. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

Local Agency Military Base Recovery Act

The Local Agency Military Base Recovery Act (LAMBRA, Government Code Section 7118, et seq.) provides five percent (5%) preference points to California-based companies that perform State contract work in the LAMBRA. Firms should review the attachment to determine if they qualify for this preference. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

Disabled Veteran Business Enterprise Incentive Program

The DVBE Incentive program was established pursuant to Military & Veterans Code Section 999.5(2) and Department of General Services' Regulations 2 CCR 1896.98 et seq. The information below explains how the incentive is applied and how much of an incentive will be given.

Incentive Application:

Award Based on High Score: Incentive points are included in the sum of non-cost Points. Incentive points cannot be used to achieve any applicable minimum point requirements. The DVBE incentive is only applied during the SOQ evaluation process and only to responsive/responsible Firms.

The incentive amount for awards based on high score will vary in conjunction with the percentage of DVBE participation (see "Incentive Amount" below).

Proposed DVBE Participation Level	DVBE Incentive Points Preference
3% - 4.99%	1%
5%+	2%

EXHBIT A
EVALUATION CRITERIA WORKSHEET

CRITERION	Weight factor	Point Score (0-10)	Weighted Score
1. Comprehensiveness of Approach to Tasks in Work Statement and Management Plan <i>(Maximum points 45)</i>			
(a). General Approach	Wt	Max. Pts	Total
1. Response to work statement: <ul style="list-style-type: none"> ✓ Completeness and thoroughness of the work plan (addresses all of the tasks defined). ✓ Demonstrated understanding of work statement tasks and goals. ✓ Clarity, succinctness and organization of proposal. ✓ Innovative and flexible approaches to accommodate potentially short notification times and tight deadlines ✓ Sound approach that will lead to replicable, reliable and unbiased findings 	1	10	10
2. Does proposer have ability to carry out the tasks <ul style="list-style-type: none"> ✓ Use of appropriate classification of staff for work statement tasks. ✓ Appropriate management and coordination strategies articulated ✓ Staffing plan sufficient for timely deliverables ✓ Engineering expertise 	1	10	10
(b). Task 1 – Develop an Action Plan for Monitoring and Verification (M&V) of ARRA Program activities and Products	Wt	Max. Pts	Total
Demonstrated experience of proposed team , knowledge and understanding of: <ul style="list-style-type: none"> ✓ Techniques to monitor and verify energy-related programs ✓ Energy-efficiency, renewable generation, cogeneration and distributed technologies ✓ Experience in preparing M&V plans for energy efficiency projects ✓ Experience in preparing high quality, technically sound and well documented technical reports. ✓ Experience in assessing and evaluating risk ✓ Experience with applying M&V protocols and standards ✓ Managing coordination with other Contractors ✓ Experience with ARRA or other federal program 	.5	10	5
(c). Task 2 – Implementation of the M&V plan	Wt	Max. Pts	Total
Demonstrated experience of proposed team and competence with: <ul style="list-style-type: none"> ✓ M&V implementation on recommended projects ✓ Metering technologies and methods ✓ Experience in providing independent and critical review of audits and studies ✓ Experience in independently reviewing third party-prepared commissioning plans, test results and reports ✓ Modeling techniques ✓ Sampling ✓ Performance specifications ✓ Activity or impact reporting 	.5	10	5

(d). Task 3. – Develop an Action Plan for Engineering Evaluation Efforts	Wt	Max. Pts	Total
<p>Demonstrated experience of proposed team, knowledge and understanding of:</p> <ul style="list-style-type: none"> ✓ Techniques to evaluate energy-related programs ✓ Energy, and peak demand associated with various energy efficiency, renewable generation and distributed technologies ✓ Experience in preparing evaluation plans for energy efficiency programs ✓ Experience in assessing and evaluating risk ✓ Experience with applying MV&E protocols and standards ✓ Statistical techniques ✓ Experience in providing status reports 	.5	10	5
(e). Task 4. – Implement Evaluation Plan	Wt	Max. Pts	Total
<p>Demonstrated experience of proposed team and competence with:</p> <ul style="list-style-type: none"> ✓ Evaluation of energy efficiency programs and technologies ✓ Metering technologies and methods ✓ Knowledge of the building and equipment commissioning process ✓ Modeling techniques ✓ Sampling ✓ Performance specifications ✓ Developing original estimates of energy and peak impacts ✓ Estimating technology, program, and portfolio level cost-effectiveness ✓ Using known techniques and formulas to estimate greenhouse gas and job impacts 	.5	10	5
(g). Task 5. – Reporting	Wt	Max. Pts	Total
<p>Demonstrated experience of proposed team and ability to:</p> <ul style="list-style-type: none"> ✓ prepare high quality, technically sound and well documented technical reports. ✓ Prepare well organized and edited reports ✓ Reporting on job creation and energy and greenhouse gas savings from projects and programs ✓ Prepare graphics and other visually appealing materials ✓ Prepare case studies that showcase successful program projects ✓ Communicate technical information in readable, clear and accessible manner ✓ Experience in ARRA Program issues and reporting ✓ Experience in database management and design 	.5	10	5

2. PRIME CONTRACTOR'S QUALIFICATIONS (Maximum points 10)	Wt	Max. Pts	Total
Ability to provide: <ul style="list-style-type: none"> ✓ Effective contract management ✓ Appropriate contract management team ✓ Timely and expeditious approval of work authorizations and other contract services ✓ Cost effectiveness and efficient contract management and administration methods. ✓ Analytical tools ✓ Project Management with multiple program contracts ✓ Efficiency Program MV&E ✓ Clear and well-defined staffing plan and schedule ✓ Offer economic benefits to California, through local office 	1	10	10
3. PROJECT TEAM RELEVANT EXPERIENCE AND QUALIFICATIONS (Maximum points 35)	Wt	Max. Pts	Total
a) Ability to provide quality services for all task areas	1.5	10	15
b) The experience and qualifications of the Proposer's project manager	.5	10	5
c) The experience and qualifications of the team members working in their technical area(s). <ul style="list-style-type: none"> ✓ Qualifications of assigned personnel ✓ At a minimum 2 California registered electrical engineers and 4 California registered mechanical engineers ✓ Experience of assigned personnel ✓ Availability of assigned personnel ✓ Education of assigned personnel ✓ Demonstrated accomplishments of assigned personnel on work statement task areas 	1.5	10	15
4. EXAMPLES OF PRIOR WORK (maximum points 5)	Wt	Max. Pts	Total
✓ Depth, quality, and relevance of work examples	.5	10	5
5. REFERENCES (maximum points 5)	Wt	Max. Pts	Total
✓ Relevance and quality of references	.5	10	5
Preliminary Technical Score			

6. EVALUATION OF SOQ DISCUSSIONS <i>(maximum points 50)</i>	Wt	Max. Pts	Total
<ul style="list-style-type: none"> ✓ Demonstrated knowledge of the issues ✓ Breadth, depth and accuracy of the response ✓ Clarity and succinctness of response 	5	10	50
Total Score			
Maximum Possible Score			150
Minimum Passing Score (70%)			
Disabled Veteran Business Enterprise Incentive:			
Target Area Contract Performance Act Adjustment:			
Enterprise Zone Act Adjustment:			
Local Agency Military Base Recovery Area Adjustment:			
FINAL ADJUSTED SCORE			

VI. ARRA SPECIFIC IMPORTANT INFORMATION

This section provides information that is specific to this ARRA funded solicitation.

Transparency and Reporting

The American Recovery and Reinvestment Act has made it clear that every taxpayer dollar spent on our economic recovery must be subject to unprecedented levels of transparency and accountability.¹ The federal government has set the following accountability and transparency objectives:

- Funds are awarded and distributed in a prompt, fair, and reasonable manner;
- The recipients and uses of all funds are transparent to the public, and the public benefits of these funds are reported clearly, accurately, and in a timely manner;
- Funds are used for authorized purposes and instances of fraud, waste, error, and abuse are mitigated;
- Projects funded under this Act avoid unnecessary delays and cost overruns; and
- Program goals are achieved, including specific program outcomes and improved results on broader economic indicators.

Recipients of funding appropriated by the Act shall comply with requirements of applicable Federal, State, and local laws, regulations, DOE policy and guidance², and instructions in Funding Opportunity Announcement (FOA) DE-FOA-0000052³. Recipients shall ensure that the requirements of applicable Federal, State and local laws, regulations, DOE policy and guidance, and instructions in FOA DE-FOA-0000052 are communicated to sub-recipients to the extent necessary to ensure the recipient's compliance with the requirements.

The federal government created the Recovery and Transparency Board to coordinate and conduct oversight of funds distributed under ARRA to prevent fraud, waste and abuse. California created the Office of the Inspector General to insure that stimulus dollars are spent wisely and well, including the deterrence, detection and disclosure of any fraud, waste and abuses.

DOE encourages a high degree of leveraging to extend the impact of the ARRA funds, but tracking and reporting must be separate to meet the reporting requirements of the Recovery Act and related guidance.

Details on reporting requirements can be found in the Office of Management and Budget reporting requirements listed in the Reference Documents section.

¹ Information regarding accountability and transparency can be found at <http://www.recovery.gov/?q=content/accountability-and-transparency> and http://www.inspectorgeneral.ca.gov/General_Information.html.

² <http://www.recovery.gov/sites/default/files/m09-15.pdf>

³ http://www.energy.ca.gov/recovery/documents/SEP_Recovery_Act_Guidance_DE-FOA-00000521.pdf

Information on Complying with Single Audit Act

If you are a public entity expecting to receive and use any federal funds, you must comply with the Single Audit Act and Office of Management and Budget (OMB) Circular A-133, *How to Comply with the Single Audit Act*

(http://www.energy.ca.gov/recovery/documents/2009-08-17_OMB_A-133_The_Single_Audit_Act.pdf).

Program Evaluation, Project Monitoring, and Verification

Proper stewardship surrounding the administration, reporting, accounting and transparency of ARRA funds is essential in the Energy Commission's administration of the ARRA SEP EECBG, Energy Star and Energy Security Program. Federal and state agencies, the Energy Commission, or their respective agents will audit a sample of funding recipients to verify compliance with the ARRA reporting requirements, the solicitation document, and to measure and verify appropriate use and expenditure of ARRA funds. In addition, the Energy Commission will monitor the progress of contract agreements and evaluate the effectiveness of particular projects.

Enforcement Action

1. Recovery of Overpayment

The ARRA Committee, with the concurrence of the Energy Commission, may direct the Energy Commission's Office of Chief Counsel to commence formal legal action against any recipient or former recipient to recover any portion of a funding award the Committee determines the recipient or former recipient was not otherwise entitled to receive.

2. Fraud and Misrepresentation

The Energy Commission or the ARRA Committee may initiate an investigation of any recipient which it has reason to believe may have misstated, falsified, or misrepresented information in applying for a funding award, invoicing for a funding award payment, or in reporting any information. Based on the results of the investigation, the Energy Commission or ARRA Committee may take any action it deems appropriate, including, but not limited to, cancellation of the funding award, recovery of any overpayment, and recommending the initiation of an Attorney General Investigation and prosecution pursuant to Government Code sections 12650, et seq., or other provisions of law. The State of California, through the Attorney General's Office or other state agency, may independently investigate any recipient and bring actions for fraud, misrepresentation, or misuse of SEP funds as appropriate.

3. Federal Action

The Federal government, through various departments, including, but not limited to, DOE and the U.S. Department of Justice, may independently investigate any recipient and bring actions for fraud, misrepresentation, or misuse of SEP funds as appropriate.

Use and Disclosure of Information and Reports

The Energy Commission, other state agencies, the federal government, or their respective authorized agents may use any information or records submitted to the Energy Commission or obtained as part of any audit to determine eligibility and compliance with, applicable law, or a particular contract agreement, to evaluate the pertinent program or program elements, and to prepare necessary reports as required by law. The information and records include, but are not limited to, applications for funding, invoices for award payments, and any documentation submitted in support of said applications or invoices.

Information and records submitted will be disclosed to other governmental entities and policing authorities for civil and criminal investigation and enforcement purposes. This information and records may also be disclosed to the public pursuant to the California Public Records Act (Government Code Section 6250, et seq.). Personal information, such as taxpayer identification or social security numbers, will not be disclosed to the public.

Bidders should note that ARRA funds are subject to information disclosure requirements through the federal Office of Management and Budget as well as other federal agencies to ensure transparency. Information concerning the identity of recipients and the amount of payment of awards is public information, and will be disclosed as part of the ARRA transparency requirements and in accordance with the California Public Records Act. This information, along with other public information describing the funding recipients, may be disclosed to members of the public to educate them and encourage further program participation. The information may be disclosed through the Energy Commissions website, another state agency's website, a federal government website, or through other means.

If, as part of any audit, the Energy Commission requires a recipient to provide copies of records that the recipient believes contain proprietary information entitled to protection under the California Public Records Act or other law, the recipient may request that such records be designated confidential pursuant to the Energy Commission's regulations for confidential designation, Title 20, California Code of Regulations, Section 2505.

Payment of Prevailing Wages

Section 1606 of ARRA broadly applies the Davis-Bacon Act labor standards requirements to ARRA-funded construction projects by specifying that:

Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by Contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code [Davis-Bacon Act].

Attachment 11 provides helpful information on the Davis-Bacon Act and the type of program work which may not be subject to the payment of prevailing wage under federal law. Attachment 12 provides helpful information on the state law prevailing wage requirements.